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sandip
Ct. 18
04.04.2022

C.O. No. 563 of 2022

**Sri Supratim Chakraborty
Vs.
Sadharan Brahmo Samaj & Ors.**

Mr. J. L. Roy,
Mr. Saptarshi Kr. Kundu ... For the petitioner.

Mr. Deepak Kumar Basu,
Mr. Sayan Sinha,
Mr. Suman Kumar Mukherjee,
Mr. Sayan Dutta ... For the opposite parties.

The plaintiff has challenged the annual election of the Office Bearers of the governing body of Sadharan Brahmo Samaj for the year 2020-2021 in the connected suit being Title Suit No. 582 of 2021 pending before the learned Judge, XIIth Bench, City Civil Court at Calcutta.

The opposite parties in the said suit filed an application under Section 151 of the Code of Civil Procedure praying dismissal of the said suit on the ground that the said suit was filed in respect of the election of the defendant no. 1 for the year 2020-2021 and the term of one year for the office bearers elected in the said election since has already been expired and election process for the year 2021-2022 has started, the suit has become infructuous.

The learned Trial Judge by the order impugned being Order No. 14 dated March 05, 2022 instead of dismissing the said suit has disposed of the said application by appointing one learned advocate of the City Civil Court Bar Association as Special Officer to oversee the counting of the votes and declaration of the result of the election for the year 2021-2022.

The plaintiff has assailed the said order in the present application under Article 227 of the Constitution of India.

Learned advocate for the petitioner submits that in an earlier round of litigation in an appeal arising out of the said suit the opposite parties sought to question the maintainability of the said suit on the self-same ground but the Hon'ble Division Bench did not entertain such plea of the opposite parties.

It appears that the Hon'ble Division Bench by an order dated February 03, 2022 passed in F.M.A.T. 30 of 2022 left issues on which the opposite parties are praying the dismissal of the suit to be decided by the learned Trial Judge.

Be that as it may, in the suit the challenge is with regard to the election of the said Samaj for the year 2020-2021 for electing the office bearers of it for one year, such period has already been expired as such no order in respect of the election for the year 2021-2022 can be passed in the said suit.

However, the defendants have not challenged the said order. The learned Trial Judge to oversee the present election has appointed a Special Officer, this Court is not inclined to interfere with the order impugned.

C.O. 563 of 2022 is dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)

